

DSJ1&2-PR Exh 588

From: Gray, John <jgray@hda.org>
Sent: Thursday, October 27, 2016 2:13 PM
To: Mauch, Robert <RMauch@amerisourcebergen.com>; Dale Smith <dsmith@hdsmith.com>; Gray, John <jgray@hda.org>; Greg Drew <gdrew@valuedrugco.com>; Jon Giacomini <jon.giacomini@cardinalhealth.com>; Maria Burns <maria@bddow.com>; Mark Walchirk <Mark.Walchirk@mckesson.com>; Scherr, Ted <tscherr@dakdrug.com>
Subject: Washington Post DEA Stories

The following is HDA's proposed strategy for the next week concerning the recent Washington Post articles about the DEA and our industry:

As you know, we have forwarded you the recent Washington Post articles and a draft letter to the editor concerning the DEA and our industry. HDA spoke with our contract lobbyists and member company Washington reps and regulatory persons about these stories today. It was agreed that HDA would delay issuing our letter to the editor. Our plan is to visit our allies in the Congress concerning S. 483 over the next several days to reinforce our support for them and S. 483. Insofar as a quick DOJ response to Sen. Leahy's letter is not likely, we agreed to modify our draft letter to the editor and look at possible places to post the letter as a general statement from HAD concerning the importance of S. 483.

These articles suggest that the real issue regarding a slow-down of DEA enforcement actions is related to an internal legal strategy by DEA back in 2013 to raise the DEA's burden of proof in instituting administrative action against distributor registrants. As such, S. 483, signed into law in April of this year, has not, to our knowledge, had any impact on DEA enforcement actions. Any debate about the new law's impact on DEA's ability to take action cannot be based upon any real experience. The slow-down in the number of cases all center on old cases brought well before S. 483 became law. Therefore, we want to take the next week to visit our allies on Capitol Hill and reinforce the reasons S. 483 was passed. We think it is important to defend S. 483 and be sure our supporters understand that the key issue in the Post involves only older cases begun in the pre-S.483 environment.

We will be re-convening a call with our lobbyists and your Washington Reps next Tuesday, November 1 to share intelligence about our conversations with Hill staffs. At that time, we will reassess the value of the letter to the editor and other possible strategies to promote our positions on this matter. I will reach out to you next week after this call to seek your counsel and/or approval on what strategy, if any, we decide to employ.

Please call me with any questions or concerns about this approach, especially if you feel strongly that HDA should submit the draft letter to the editor this week.

Thank you,
John